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WEN-TSAO LEE,  
6FL., NO. 12 ALLEY 18, LANE 105, CHIAUAI ST. #1,  
DASHI JEN  
TAOYUAN 335 TW TAIWAN

AUG 30 2005

**OFFICE OF PETITIONS**

In re Application of  
Wen-Tsao Lee :  
Application No. 09/681,524 :  
Filed: April 23, 2001 :  
Attorney Docket No. None :

ON PETITION

This is a decision in response to the petition, filed June 23, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to the final Office action mailed September 9, 2004. A Notice of Abandonment was mailed on March 24, 2005. In response, on May 20, 2005, the present petition was filed.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$1080 extension of time fee submitted with the petition is unnecessary and will be refunded in due course.

The application is being referred to Technology Center AU 2879 for consideration of the amendment filed June 23, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

*Sherry D. Brinkley*  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy